

Message Text

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TO AMEMBASSY BONN IMMEDIATE
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AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION NATO

C O N F I D E N T I A L STATE 185678

E.O. 11652:GDS

TAGS: PGOV, B, FR, QG

SUBJECT: LORENZ-DRENCKMANN TRIAL IN BERLIN: SECOND FRENCH
DEMARCHE

REF: STATE 181702

1. FRENCH EMBOFF RENEWED DEMARCHE REFTEL TO DIRECTOR
EUR/CE AUGUST 5. HE SAID THAT HIS GOVERNMENT WAS CONCERNED
ABOUT THE TWO RECENT SOVIET DEMARCHES, THE FIRST DEALING
WITH FEDERAL PROSECUTION IN BERLIN OF THE LORENZ KIDNAPPERS
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AND THE SECOND WITH STATE SECRETARY BAUM'S PARLIAMENTARY
REPLY CONCERNING "LAND BERLIN". HE CONTINUED THAT IF THE
SOVIETS CLAIM THESE MOVES CONSTITUTE FLAGRANT VIOLATIONS OF
THE QA, AND TAKE LOCAL COUNTER-MEASURES IN REACTION TO
THEM, WE WOULD HAVE DIFFICULTY EXPLAINING THE ALLIED
POSITION TO PUBLIC OPINION. WITH THIS AS BACKGROUND,

FRENCH EMBOFF RENEWED HIS EARLIER DEMARCHE OF AUGUST 2 REQUESTING THAT THE US SUPPORT FRENCH EFFORTS TO PERSUADE THE FRG NOT TO SEND REPRESENTATIVES OF THE FEDERAL PROSECUTOR'S OFFICE AT KARLSRUHE TO BERLIN, OR AT LEAST TO ENSURE THAT THE PROSECUTION WOULD NOT BE CONDUCTED PRIMARILY BY FEDERAL PROSECUTION OFFICIALS SENT FROM THERE.

2. IN REPLY, WE POINTED OUT THAT THE NON-PAPER OF LAST SUMMER WAS A PAINSTAKINGLY WORKED OUT COMPROMISE WHICH WE COULD NOT GO BACK ON NOW. WE AGREED THAT THE GERMANS HAVE NOT COMPLIED SATISFACTORILY WITH THE SPIRIT OF THAT AGREEMENT, BUT POINTED OUT THAT THE FRG FOREIGN OFFICE HAS NOW TAKEN STEPS THROUGH REPRESENTATIONS TO THE JUSTICE MINISTRY TO CORRECT THE SHORTCOMINGS. WE SAID THAT WE BELIEVE IT IS NECESSARY TO GIVE THE GERMANS TIME TO PUT THEIR HOUSE IN ORDER AND TO COMPLY WITH THE SPIRIT OF THE NON-PAPER. FINALLY, WE NOTED THAT COMPLETELY BARRING PARTICIPATION BY THE FEDERAL PROSECUTION OFFICIALS FROM KARLSRUHE MIGHT BE TOO HIGH A POLITICAL PRICE TO EXPECT THE GERMANS TO PAY. IN ANY CASE, WE SUGGESTED THAT IT WAS CRITICAL THAT THE ALLIES AND THE FRG NOT FALL OUT ON THIS MATTER UNDER SOVIET PRESSURE. IF THIS SHOULD HAPPEN, ONLY THE SOVIETS WOULD BE THE WINNERS. THEREFORE, WHILE EXPRESSING UNDERSTANDING FOR THE FRENCH CONCERNS, WE SUGGESTED OUR EFFORTS SHOULD BE DIRECTED TOWARD WORKING OUT A COMPROMISE ON THIS MATTER WITHIN THE BONN GROUP.

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3. LATE IN THE AFTERNOON, AUGUST 5, FRENCH DCM CALLED ON ASSISTANT SECRETARY VEST AND DEPUTY ASSISTANT SECRETARY VINE TO STRESS THE IMPORTANCE HIS GOVERNMENT ATTACHES TO ITS DEMARCHES ON THIS SUBJECT. WITHOUT REPEATING DETAIL, HE SAID THE FRENCH QUESTION WHETHER WEST GERMAN FEDERAL PROSECUTION OF THIS CASE IN BERLIN ACCORDS WITH EITHER THE SPIRIT OR THE LETTER OF QA AND NON-PAPER AGREED TO BY THE FRG LAST SUMMER.

4. IN REPLY, VEST SAID IT WAS IMPORTANT TO MINIMIZE FRICTION AMONG THE ALLIES AND WITH THE FRG ON THIS ISSUE. HE SAID IT SHOULD BE POSSIBLE WITH EFFORTS ON ALL SIDES TO REACH AN ACCEPTABLE COMPROMISE IN THE BONN GROUP ON THE QUESTION OF ASSIGNMENT OF FEDERAL OFFICIALS FROM KARLSRUHE TO BERLIN. THE OUTCOME WOULD DEPEND IN LARGE PART ON HOW INDISPENSIBLE TO THE PROSECUTION THEY WOULD BE. HE SAID THE US UNDERSTANDS FRENCH CONCERNS, AND WOULD TRY HARD FOR A SOLUTION. AT THIS POINT FRENCH DCM STATED FRG FOREIGN OFFICE NOW APPEARS TO UNDERSTAND THE PROBLEM, AND THAT THE GREATEST DIFFICULTY APPEARED TO BE

WITH THE JUSTICE MINISTRY AND THE FEDERAL PROSECUTOR'S OFFICE.

5. WHEN IN RESPONSE TO QUESTION FRENCH DCM INSISTED THAT THE POSITION OF HIS GOVERNMENT WAS THAT FEDERAL PROSECUTION OF THIS CASE IN BERLIN WOULD NOT ACCORD WITH

LETTER OF QA, IT WAS MADE CLEAR TO HIM THAT THIS IS NOT THE US VIEW. (SINCE NEITHER FRENCH IN BONN GROUP NOR AT WORKING LEVEL IN WASHINGTON HAVE TAKEN POSITION THAT FEDERAL PROSECUTION IN BERLIN WOULD BE LEGAL VIOLATION OF QA, DEPARTMENT ASSUMES DCM EXAGGERATED HIS INSTRUCTIONS FROM PARIS ON THIS POINT.)

CHRISTOPHER

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*** Current Handling Restrictions *** n/a

*** Current Classification *** CONFIDENTIAL

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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
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